

By C. [Signature]

STATE OF CALIFORNIA

\* \* \* \*

DISMISSAL

IT IS SO ORDERED 12/21/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner

Barbara J. O'Neil

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**FILED**  
**JUL 15 2011**  
DEPARTMENT OF REAL ESTATE

By                     

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 GROUP BANKERS FUNDING, INC. )  
13 and ARMANDO FELIPE PEREZ, )  
14 individually and as designated )  
15 officer of Group Bankers )  
16 Funding, Inc. )  
Respondents. )

NO. H-37394 LA

A C C U S A T I O N

17  
18 The Complainant, Maria Suarez, a Deputy Real  
19 Estate Commissioner of the State of California, for cause of  
20 Accusation against GROUP BANKERS FUNDING, INC. and ARMANDO  
21 FELIPE PEREZ, individually and as designated officer of Group  
22 Bankers Funding, Inc. (collectively "Respondents"), is informed  
23 and alleges as follows:

24 1.

25 The Complainant, Maria Suarez, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation

1 in her official capacity.

2 2.

3 Respondents are presently licensed and/or have license  
4 rights under the Real Estate Law (Part 1 of Division 4 of the  
5 California Business and Professions Code, "Code").

6 3.

7 From January 16, 2007, through January 15, 2011,  
8 Respondent GROUP BANKERS FUNDING, INC. ("GBFI") was licensed by  
9 the Department of Real Estate ("Department") as a real estate  
10 corporation, Department License No. 01783077. At all times  
11 relevant herein, GBFI was licensed to do business as California  
12 First Realty and Home Loans and Infinity Financial Group.

13 4.

14 From September 28, 1992, through the present,  
15 Respondent ARMANDO FELIPE PEREZ ("PEREZ") has been licensed by  
16 the Department as a real estate broker, Department License No.  
17 00646553. From on or about November 5, 2007, through January  
18 15, 2011, Respondent PEREZ was licensed as a real estate broker  
19 and as the broker-officer of Respondent GBFI to be responsible  
20 for ensuring its compliance with the Real Estate Law pursuant to  
21 Code Section 10159.2.

22 5.

23 At no time mentioned herein have Venancio R. Beberaje,  
24 Adela Vargas or Rafael Hernandez ever been licensed by the  
25 Department in any capacity. On August 15, 2006, Venancio R.  
26 Beberaje, Adela Vargas and Rafael Hernandez formed GBFI, a

1 California corporation. Venancio R. Beberaje is GBFI's chief  
2 executive officer, secretary and agent for service of process.  
3 Venancio R. Beberaje, Adela Vargas and Rafael Hernandez are  
4 officers or directors for GBFI.

5 6.

6 All further references to "Respondents" include the  
7 parties listed in Paragraphs 3 through 5, above, as well as the  
8 officers, agents and employees of the parties listed in  
9 Paragraphs 3 through 5, above. Respondents engaged in the  
10 activities set forth below while doing business as GBFI,  
11 Infinity Professional Services, Infinity Professional Services  
12 Loans, Infinity Professional Service, Infinity Real Estate and  
13 Home Loans, Green Light Investments, Centro Legal La Ley, and  
14 Club Mujeres Exitos.

15 7.

16 At no time mentioned herein have Infinity Professional  
17 Services, Infinity Professional Services Loans, Infinity  
18 Professional Service, Infinity Real Estate and Home Loans, Green  
19 Light Investments, Centro Legal La Ley, and Club Mujeres Exitos  
20 ever been licensed by the Department in any capacity.

21 8.

22 At all times herein mentioned, Respondents engaged in  
23 the business of, acted in the capacity of, advertised or assumed  
24 to act as real estate brokers in the State of California, by  
25 doing or negotiating to do the following acts for another or  
26 others, for compensation or in expectation of compensation:

(1) sell or offer to sell, solicit prospective sellers or purchasers of, solicit or obtain listings of, or negotiate the purchase, sale or exchange of real property within the meaning of Code Section 10131(a); and (2) solicit borrowers, negotiate loans, collect payments or perform services for borrowers in connection with loans secured directly or collaterally by liens on real property within the meaning of Code Section 10131(d).

FIRST CAUSE OF ACCUSATION  
(Advance Fee Violations/Dishonest Dealing)

9.

For an unknown period of time beginning no later than July 30, 2008, Respondents engaged in the business of soliciting to modify or negotiate loans secured by real property, offering to negotiate the purchase, sale or exchange of real property, and claimed, demanded, charged, received, collected or contracted for the collection of advance fees, within the meaning of Code Section 10026, for borrowers including, but not limited to, those listed below:

DATE	BORROWER	ADVANCE FEE COLLECTED
July 30, 2008	Gilberto Campos	\$2,400
Aug. 4, 2008	Rafael Escalante	\$2,500
Nov. 15, 2008	Aroon M. Bernal	\$2,727
Jan. 2, 2009	Francisco Magana	\$2,700
Feb. 19, 2010	Maria Orquiz	\$4,375

DATE	BORROWER	ADVANCE FEE COLLECTED
June 18, 2010	Manuel De La Cruz	\$3,500
June 22, 2010	Elizabeth Garcia	\$5,000
Oct. 11, 2010	Jose D. Tortoledo	\$3,500

10.

Respondents failed to perform the loan modification and negotiation services that had been promised to the borrowers mentioned in Paragraph 9, above. Respondents refused the borrowers' demands for a refund of their advance fees.

11.

For the above-mentioned transactions that occurred prior to October 11, 2009, the advance fee agreements that Respondents provided to those borrowers were not submitted to the Department prior to use as is required under Code Section 10085 and Section 2970, Title 10, Chapter 6, California Code of Regulations ("Regulations").

12.

The advance fees collected by Respondents were not deposited in a trust account as required under Code Section 10146. Respondents did not provide an accounting to principals, in violation of Code Section 10146 and Section 2972 of the Regulations.

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2 13.

3 The conduct, acts and/or omissions of Respondents GBFI  
4 and PEREZ, as set forth above, in collecting advance fees from  
5 prospective borrowers pursuant to a written fee agreement, which  
6 agreement was not submitted to the Department for review prior  
7 to use, was in violation of Code Sections 10085 and 10085.5 and  
8 Regulation Section 2970, and constitutes grounds for the  
9 suspension or revocation of the licenses and license rights of  
10 Respondents GBFI and PEREZ, pursuant to Code Sections 10177(d)  
11 or 10177(g).

12 14.

13 The conduct, acts and/or omissions of Respondents GBFI  
14 and PEREZ as set forth above, in collecting advance fees from  
15 prospective borrowers and failing to deposit the advance fees  
16 into a trust account and provide an accounting to principals,  
17 was in violation of Code Section 10146 and Regulation Section  
18 2972, and constitutes grounds for the suspension or revocation  
19 of the licenses and license rights of Respondents GBFI and PEREZ  
20 pursuant to Code Sections 10177(d) or 10177(g).

21 15.

22 For those transactions described in Paragraph 9,  
23 above, that occurred after October 11, 2009, Respondents charged  
24 and collected advance fees as compensation for offering to  
25 perform loan modification or other form of loan forbearance for  
26 said borrowers, in violation of Code Sections 10085.5 and  
10085.6

1  
2 16.

3 The conduct, acts and/or omissions of Respondents GBFI  
4 and PEREZ, as set forth above, in collecting advance fees from  
5 prospective borrowers after October 11, 2009, was in violation  
6 of Code Sections 10085.5 and 10085.6, and constitutes grounds  
7 for the suspension or revocation of the licenses and license  
8 rights of Respondents GBFI and PEREZ, pursuant to Code Sections  
9 10177(d) and/or 10177(g).

10 17.

11 The conduct, acts and/or omissions of Respondents as  
12 set forth in Paragraphs 9 through 12, above, in making false  
13 and/or misleading representations in order to induce borrowers  
14 to enter into a loan modification or negotiation agreement and  
15 in otherwise engaging in fraudulent and dishonest dealing,  
16 constitutes cause for the suspension or revocation of the  
17 licenses and license rights of Respondents GBFI and PEREZ  
18 pursuant to Code Sections 10176(a) and/or 10177(j).

19 SECOND CAUSE OF ACCUSATION

20 (Unlawful Employment or Compensation of Unlicensed Person)

21 18.

22 There is hereby incorporated in this Second, separate,  
23 Cause of Accusation, all of the allegations contained in  
24 Paragraphs 1 through 17 above, with the same force and effect as  
25 if herein fully set forth.

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19.

At no time mentioned herein have Silvio Prieto, Sergio Santibanez and Javier Tellez ever been licensed by the Department in any capacity.

20.

The activities described in Paragraph 9, above, require a real estate license under Code Sections 10131(a) and 10131(d). Respondents GBFI and PEREZ violated Code Section 10137 by employing and/or compensating individuals including, but not limited to, Silvio Prieto, Sergio Santibanez and Javier Tellez, who were not licensed as real estate salespersons or as brokers to perform activities requiring a license. Respondents GBFI and PEREZ employed or compensated Silvio Prieto, Sergio Santibanez and Javier Tellez, to solicit borrowers and perform some or all of the services alleged in Paragraph 9, above, though they were not licensed as a real estate salesperson or broker.

21.

The conduct, acts and/or omissions of Respondents GBFI and PEREZ as set forth in Paragraph 20, above, violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondents GBFI and PEREZ pursuant to Code Sections 10137, 10177(d) or 10177(g).

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1                                    THIRD CAUSE OF ACCUSATION  
2                                    (Use of Unlicensed Fictitious Business Name)

3                                    22.

4                                    There is hereby incorporated in this Third, separate,  
5 Cause of Accusation, all of the allegations contained in  
6 Paragraphs 1 through 21 above, with the same force and effect as  
7 if herein fully set forth.

8                                    23.

9                                    The activities described in Paragraph 9, above,  
10 require a real estate license under Code Sections 10131(a) and  
11 10131(d). Use of a fictitious business name for activities  
12 requiring the issuance of a real estate license requires the  
13 filing of an application for the use of such name with the  
14 Department in accordance with the provisions of Code Section  
15 10159.5 and Regulation 2731.

16                                   24.

17                                   Respondents acted without Department authorization in  
18 using the fictitious business names Infinity Professional  
19 Services, Infinity Professional Services Loans, Infinity  
20 Professional Service, Infinity Real Estate and Home Loans, Green  
21 Light Investments, Centro Legal La Ley, and Club Mujeres Exitos  
22 to engage in activities requiring the issuance of a real estate  
23 license.

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25.

The conduct, acts and/or omissions of Respondents GBFI and PEREZ, as set forth in Paragraphs 23 and 24 above, violate Code Section 10159.5 and Regulation 2731, and are cause for the suspension or revocation of the licenses and license rights of Respondents GBFI and PEREZ pursuant to Code Sections 10177(d) and/or 10177(g).

FOURTH CAUSE OF ACCUSATION  
(Failure to Supervise)

26.

There is hereby incorporated in this Fourth, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 25, above, with the same force and effect as if herein fully set forth.

27.

Respondent PEREZ' failure to supervise the activities of Respondent GBFI and its employees to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2 and Regulation 2725 which constitutes grounds to suspend or revoke Respondent PEREZ' license and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondents  
5 GROUP BANKERS FUNDING, INC. and ARMANDO FELIPE PEREZ,  
6 individually and as designated officer of Group Bankers Funding,  
7 Inc., under the Real Estate Law (Part 1 of Division 4 of the  
8 California Business and Professions Code) and for such other and  
9 further relief as may be proper under other applicable  
10 provisions of law.

11 this 12th day of July, 2011.

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14 MARIA SUAREZ  
15 Deputy Real Estate Commissioner  
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23 cc: Group Bankers Funding, Inc.  
24 Armando Felipe Perez  
25 Maria Suarez  
26 Sacto.